

FINAL



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
November 16, 2009**

PRESENT: TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; DONNA OSBORNE, SELECTMAN; JAMES DONISON, SELECTMAN; KEITH R. LACASSE, SELECTMAN

TOWN ADMINISTRATOR: Naomi Bolton

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Frank Campana, John Nelson, Ike Shepard, Jill Tacy, Christine Hague, Neal Kurk, Sue Morin, Chuck Metcalf, Jim Blouin, Valerie King, Ray Kelly, Jan Snyder

7:00 p.m. Chairman Clow called the meeting to order.

PUBLIC COMMENT – Mr. John Nelson informed the Board that on November 3, 2009 between the hours of 11 a.m. and noon an event took place that caused the ground to shake. This was caused by a blast at Mt. William Sand and Gravel. The blast consisted of over 90,000lbs of explosives.

Mr. Nelson said on Monday, November 2, 2009 he received a phone call stating they would be blasting at Mt. William that afternoon at 4:30 p.m., but there was no blast. He later learned of the size of the blast that took place on Tuesday that left 100 ft deep holes. He spoke with supervisor of the blasting company and he asked about downsizing the size of the blast and was told the blasting will continue at the quarry with that amount of explosives or possibly larger until the development of the quarry is done. Mr. Nelson said the town has no requirements at all for blasting; the only requirement is to notify the police and fire departments 24 hours prior.

Mr. Nelson told the Board that he lives 2,000 ft away from the driveway of Mt. William Sand and Gravel. He is concerned with the proposed asphalt plant and said that at present there is blasting three times a year. If the proposed plant is approved it will be fed by the quarry and the blasting size and frequency will be going up. Mr. Nelson said he has cracks in his walls and floors, but he is extremely concerned with the new Weare Middle School being affected.

Mr. Nelson informed the Board that typically there is a police detail; there are notifications and warning signs. He said this pit puts construction vehicles on River Road at the time of the blasting to block any traffic. Mr. Nelson said he knows there is a meeting next Wednesday regarding the proposed asphalt plant. He mentioned the size of the dust clouds, said they are toxic and there are certain weather conditions that should be present before blasting. Other towns require police patrols and fire department to be present. He has made several calls to the division of State Police, they are trying to get the blasting records for the day, and weather is a factor with blasting.

Mr. Nelson feels this is unacceptable and feels the town should not accept this. He stated that if this paving plant goes in, and the current pit owner sells, they will be facing many legal concerns and the situation will not be controlled. Mr. Nelson said the Selectman issued the permit to the pit and are the ones in control, he has asked the Board to issue a Cease and Desist order until the situation is dealt with. Mr. Nelson would like to know who is in charge of holding the pit owner accountable to regulations and operations. Chairman Clow said it is the Board of Selectman who oversees and they would ask the Code Enforcement Officer to do a site review. Mr. Nelson said if Mr. Bolton does decide to sell out he wants to make sure the operational notes are enforced; he knows they are not

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being enforced. He said it is a grandfathered pit and he is asking the Board to review the operational notes and request the Code Enforcement Officer do a site review. He said the blasting is going to increase.

Mr. Nelson asked how this will be handled. Chairman Clow said he cannot see a Cease and Desist being ordered, but they will have the Code Enforcement Officer review the concerns and the Board will hold a future discussion. Chairman Clow said they need to review the situation before making any decisions and asked Mr. Nelson to forward any materials to the Town Administrator or the Code Enforcement Officer.

There is a Planning Board meeting this Wednesday, November 18th at 7:00 p.m. to discuss the issue. Mr. Nelson asked how he gets results. Chairman Clow asked him to go to the Town Administrator and/or the Code Enforcement Officer and if he is not satisfied with the results he gets to come back before the Board of Selectmen.

Mr. Frank Campana said the format of the Town Report was changed last year to include salaries/earnings of town employees and he thought it was informative for residents to have the information and asked the BOS to continue to include the information.

COMMITTEE ITEMS – Mr. Chuck Metcalf commented on discussions taking place at Board of Selectmen meetings that involve PARC without their being notified. Mr. Metcalf said one of the issues was discussed on September 14th regarding year round access to Bolton Field. He said there was also a discussion about an ice rink being constructed at Bolton Field. Mr. Metcalf said PARC was not asked if they have any concerns and they were not notified that the discussion was going to take place. Chairman Clow said those were just comments; nothing was set in stone.

Mr. Metcalf told the Board there is still an ongoing concern that they have about overseeing the skate park. He said there is a private committee that is involved with the skate park and they have had no involvement with this committee. Mr. Metcalf said none of these concerns were forwarded to PARC. Chairman Clow said he understands the point of communication concerns. Chairman Clow said that group went to the skate park to do some repairs. Mrs. Naomi Bolton said Chip Meany and Phil St. Cyr went to the skate park to review the site and some pieces of equipment were requested to be removed and they were. Mrs. Bolton said she is unsure of the result and is waiting for an answer from Primex. Mrs. Bolton said there are still some remaining issues and the alternative may be to close the skate park.

Mr. Neal Kurk informed the Board that the Finance Committee held their first meeting last week. Mr. Kurk told the Board that according to the Finance Committee Ordinance their reporting date is actually due before the Finance Committee receives the information. He asked if the Selectmen would be willing to introduce a warrant article to correct this. It was discussed that the ordinance was last amended in 2009.

LIBRARY FLOOR LOAD CAPACITY, Engineers Report – Mrs. Christine Hague said in 2006 they had a needs assessment done. The report informed them that their collection size was 40% lower than it should be for a town of their size. The report also stated that a structural engineer would have to do an evaluation of the floor load capacity. Mrs. Hague said before the addition of the Library was completed in 1990 an evaluation was done, by Jacobson, on the floor load. She has found no documentation as to what was done; it was done before she became employed there. There are substantial areas of concern in the passage way between the new and old part of the Library because it has not been reinforced. Because of these deficiencies they have been advised to remove the contents of one entire bookcase until the reinforcement has been done. Mrs. Hague received a price of \$1,800 - \$3,000 to have an engineering study. Mrs. Hague said she spoke with the Building Inspector and he told her he would leave the issue alone as long as they are working on the problem. It was discussed they cannot use the Building Maintenance Capital Reserve for an engineering study. Chairman Clow asked if the price quoted for the plan, develops a short term plan or a long term. Mrs. Hague said the cost is approximate and could reflect both.

Ray Kelly, Library Trustee, informed the Board that during their meeting on November 5th they discussed the need for the engineers report and recommendations and are looking for sources to fund. The Trustees had

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instructed Mrs. Hague to make a presentation to the CIP and she was told it was not a viable option to utilize the Building Maintenance Capital Reserve. They then asked the Weare Friends of the Library and determined that to utilize their funds it would take away from the children's program. Mr. Kelly said they looked into utilizing funds from the Paige Trust and they were told they have a portion of the money identified.

Mr. Kelly said they now find themselves with a library that is heavily used and has been over capacity for 10 years ago. They had 20,000 users last year and if they have to take out a stack of the books they are discussing 500-700 books. Mr. Kelly asked the Selectman what they think they should do. Vice Chairman Butt said he reviewed the budget and there is approximately \$160,000 in the Capital Reserve for building repair. Vice Chairman Butt asked what the time frame is, if they find the money, and how long to start the process. He asked if it is feasible to get this information before mid December. Mrs. Hague said they are now in the middle of November and she does not know their work schedule. She sees the problem with getting the information from contractors being hard to get by the deadline for warrant articles.

Mrs. Hague said they have outgrown the building and would prefer the temporary solution and looking for adequate space; they need to make the building safe. Selectman Donison said he assumes that when they get the report back it should include estimated costs to repair. Selectman Lacasse said you would have to request and pay for that information. Vice Chairman Butt is concerned with how much money will be in the CIP Building and Maintenance Fund. Mrs. Hague will have to speak with Mr. Turner about when they could get the report. Vice Chairman Butt said the Building Maintenance line in the operating budget has 1/3 of what was appropriated left; there may be \$1,500 left to do the study. Mrs. Hague said she feels they need to start a Library facility campaign. Selectman Lacasse said the report includes a table regarding load and mentioned that the central reading section has the load problem. Mrs. Hague said it is where the old and new sections are joined. Selectman Lacasse asked if they considered moving some of the volumes to the lower level instead of removing books. Mrs. Hague said one of the things they may have to do is review the usage logs, and store some volumes in the Sawyer Room because the children's room is over capacity as well.

Chairman Clow moved, Selectman Lacasse seconded to authorize \$1,500 be expended from the Government Buildings line to have an engineering study done at the Library. Passed 5-0-0

MEETING MINUTES

Selectman Donison moved, Selectmen Lacasse seconded to approve the minutes of November 2, 2009 as amended. Passed 4-0-1 Selectman Osborne abstained.

MANIFESTS

Chairman Clow moved, Selectman Osborne seconded, to authorize the Board of Selectmen to sign Manifest and order the Deputy Treasurer to sign checks dated November 19, 2009. Passed 4-0-1 Selectman Lacasse abstained.

Accounts payable	\$281,669.91	(John Stark \$250,000.00)
Gross Payrolls	<u>\$51,150.87</u>	(Includes Special Detail, Taxes, Credit Union)
Total	\$332,820.78	

Selectman Lacasse asked about having Chief Begin come in to discuss the overtime hours. Chairman Clow said they had a preliminary meeting with Chief Begin and he told them that there is some overtime associated with holidays. Selectman Lacasse said in reviewing the Manifest it did not seem that was the case. Chairman Clow said they will review future agendas and schedule Chief Begin. Selectman Lacasse said these are not isolated incidents; this continues to happen. Selectman Donison commented on some officers having 60 hours of detail. Vice Chairman Butt said there are general safety concerns associated with these overtime hours. Chairman Clow said the officers earn more on Special Details than they do making time and a half. It was discussed that a summary/spreadsheet comes to the BOS explaining hours, overtime and details.

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Chairman Clow said they set the tax rate last Tuesday. The town's portion is \$2.76 per thousand, which is the same as last year which was the same as the year before. They lowered the amount of the overlay from \$30,000 to \$15,000 then took \$68,350 from the Undesignated Fund Balance to offset taxes. Chairman Clow said the overall tax rate will be \$16.60 which includes the town, county, school and the state education tax.

CONTINUATION OF 2010 BUDGET DISCUSSION

Health and Welfare – Mrs. Bolton said the health budget is staying the same but welfare is up due to economics. The budget was increased in some lines and decreased in others. As of October 30, 2009 \$15,920 has been spent from the Town Assistant line, with \$4,000 remaining. The Welfare Officer is anticipating that the welfare assistance line will be going up \$5,000. Vice Chairman Butt said to justify the increase he would like to see the numbers of those served in 2009 compared to the estimated numbers of 2010. There is a \$5,000 increase and other than that the budget will be what was requested last year.

Library – In 2009 \$164,143 was requested; \$171,181 is being requested for 2010.

Mrs. Bolton said she has left anything attached to wages alone until she receives all the health insurance quotes. Selectman Donison said to be consistent with all other budgets, wages are being held flat. There is an increase of \$4,000 for videos and magazines for the Library. Chairman Clow said the Library is different; the town sends the Library a monthly check and the Trustees are responsible for their budget.

Mrs. Bolton said she gave all departments instructions of no additional wages or associated wage increases.

Highway – Mrs. Bolton said they included explanations for their budget of \$380,949 which represents the current staff, at the current rate and current hours. Mrs. Bolton said an employee left and they hired a replacement at a higher wage with a family plan. Dave Hewey will be retiring effective April 30, 2010. The Board discussed that if Mr. Hewey retires and the warrant does not pass to put funds into the Retirement Capital Reserve the town still is required to pay him the \$23,780 owed to him. Vice Chairman Butt said they are required to contribute to the NH Retirement Fund, which is an unfunded mandate by the state. Vice Chairman Butt said this does not apply to all employees but it does apply to the school and police department.

An inspection machine needs to be rented to perform vehicle inspections. There is an increase in cutting edges due to the increase in the cost of steel. Mrs. Bolton said that all road signs have to be converted to the new required material by 2015. There is a decrease in salt and chloride. The uniform budget was decreased.

It was discussed that Mr. Knapp purchased a \$4,000 paint striping machine out of the road reconstruction line when East Road needed to be painted. Vice Chairman Butt said at the time of the request he didn't consider paint for the striping machine being an annual expense.

Mrs. Bolton said Mr. Knapp is requesting to purchase a cell phone; he currently utilizes his own.

Transfer Station – There is no change in health insurance or staffing. The cost to haul to Wheelabrator has increased for 2011, but they are anticipating a decrease in hauling. There is a total of 2,692 estimated tons of trash. It was discussed that the revenue from aluminum and tin goes into the General Fund. They are projecting an increase in revenue from paper recycling.

Animal Control – Increased by \$1,000 due to putting in more hours. It was discussed that fuel for the vehicle comes out of the Police Department.

Police Department – There is a decrease in health insurance because one employee went from a family plan to a buyout plan. \$23,186 is budgeted for insurance buyouts. The department is anticipating an increase in dispatch costs. The Board discussed building maintenance and the possibility of hiring a custodian/cleaning service for the building for sixteen hours per week at \$15.00 per hour and this would allow a decrease in secretarial hours. Chairman Clow said this was discussed last year. Chairman Clow said that Chief Begin cannot replace a full time employee with two part time employees because of the collective bargaining agreement. They are still waiting on fuel calculations.

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Mrs. Bolton informed the Board she is still missing budgets from some departments.

Chairman Clow said they need to make some decisions about moving the budget process along.

The Board will be meeting on Monday, November 23rd at 5:20 to sign Manifest before the contract negotiations meetings.

The Board will be meeting on Monday, November 30th for Manifest and Budget Discussion at 6:00 p.m.

Mrs. Bolton said they can start putting things in place for the warrant and informed the Board that the ZBA has three warrants.

Vice Chairman Butt would like to get a figure for anticipated revenue and what the net assessed value will be. Vice Chairman Butt said that the anticipated revenue projections should be very conservative.

Chairman Clow said last year when anticipating revenues, they left it flat, which helped the budget slightly. Chairman Clow said the number of articles that did not pass last year had a lot to do with the tax rate staying flat. Vice Chairman Butt mentioned that what they kicked in helped to keep the tax rate flat.

ADMINISTRATIVE REPORT – Mrs. Bolton discussed an issue with the Board regarding employees who do not have a CDLA license moving trucks and trailers when the public is at the transfer station. She said this question was addressed with Phil St. Cyr and he will be getting back to her.

Tax bills will be printed and in the mail by Friday, November 20, 2009 with an anticipated due date of December 23, 2009.

Mrs. Bolton informed the Board that ESP (Electronics Protection System) will be testing alarms on Thursday at 1:00. Mrs. Bolton said they will be addressing fire drills for employees.

OTHER ITEMS – Selectman Lacasse would like to have a prayer before each meeting and said he would prepare something before each meeting. Chairman Clow said it could be a concern between separation of Church and State. Selectman Lacasse would like to see the wording where that exists in the Constitution. Vice Chairman Butt mentioned possibly having a moment of silence. Chairman Clow would feel uncomfortable with a prayer at their meeting and feels it would be crossing the line between individual freedoms and public service. Vice Chairman Butt and Selectman Osborne said they would be fine with a moment of silence. Selectman Lacasse said other governing bodies, such as Congress, have a prayer or blessing at the start of their meetings. Vice Chairman Butt would like to know for sure if this is done. Selectman Lacasse will bring in more information and revisit the discussion. Vice Chairman Butt said he has a problem with a member of the Board saying the prayer and suggested that they could possible invite a member of the clergy to give the prayer.

Chairman Clow moved, Selectman Osborne seconded to enter into non public session @ 10:05 p.m. pursuant to the authority granted in RSA 91-A:3II (a). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 4-0-0

Selectman Lacasse moved, Chairman Clow seconded to come out of non public session @10:40 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 4-0-0

Chairman Clow moved, Selectman Lacasse seconded to seal & restrict the minutes of the nonpublic session. Passed 4-0-0

Selectman Lacasse moved, Selectman Butt seconded to authorize the Board of Selectmen to offer the CEO to take on additional responsibility as part-time Land Use Coordinator including attendance of Planning Board and Zoning Board evening meetings for \$200.00/week to be taking out of salary line for Land Use Coordinator. Passed 4-0-0..

Meeting adjourned @10:45 pm.

ADJOURNMENT

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A True Record.

Cherry Palmisano, Recording Secretary